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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,297	11/03/2000	Theron Tock	0023-0218	6720
44987	7590	06/18/2007	EXAMINER	
HARRITY SNYDER, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030			NAWAZ, ASAD M	
		ART UNIT	PAPER NUMBER	
		2155		
		MAIL DATE	DELIVERY MODE	
		06/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09706297	11/3/00	TOCK ET AL.	0023-0218

EXAMINER

Asad M. Nawaz

ART UNIT	PAPER
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2155                  20070611

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Commissioner for Patents

Pursuant to the decision by BPAI decision on 3/21/07, the missing references listed under the "Evidence Relied Upon" section are provided.

(8) Evidence Relied Upon

Petterson    USPAT 6,826,594    11-2004  
Delph        USPAT 6,356,934    03-2002

SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte: THERON TOCK and SAMPATH SRINTVAS

Application No. 09/706,297



ORDER RETURNING UNDOCKETED APPEAL

The Board of Patent Appeals and Interferences (Board) electronically received this application on January 17, 2007. The application is not ready for review and consideration by the Board for the reason(s) noted below. Accordingly, the application is herewith being returned to the Examiner to take action consistent with the guidance provided by this order.

EXAMINER'S ANSWER

On July 26, 2006, an Examiner's Answer was mailed. However, the Examiner's Answer does not comply with § 1207.02 of the Manual of Patent Examining Procedure (MPEP). Specifically, in the "Evidence Relied Upon," section 8 (pg. 2, last paragraph), the Examiner indicated that "[n]o evidence is relied upon by the Examiner in the rejection of the claims under appeal." However, the section entitled "Grounds of Rejection" (sec. 9; pg. 3, ln. 14 and pg. 7, ln. 16) reveals that reference to Pettersen (Patent No. 6,826,594) and Delph (6,353,934) were applied to the statement of rejections. In accordance with MPEP § 1207.02, the "Evidence

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Relied Upon" (section 8) should include:

**(8) Evidence Relied Upon**

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

To remedy this and before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. Appropriate correction is required.

**CONCLUSION**

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for appropriate action on the following:

- 1) issue and mail a PTOL-90 citing the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
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PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
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PJN/dpv

**Application No. 09/706,297**

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